

ORDINANCE NO. 05-\_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 7, ARTICLE II, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, BY AMENDING SECTION 7-26 RELATING TO COURT COSTS FOR CRIMINAL VIOLATIONS, BOND FORFEITURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on November 3, 1998, the voters of Florida adopted Revision 7 to the Florida Constitution, thereby amending Article V of the Constitution, in order to address the problem of disparate court funding throughout the separate 67 counties of the state; and

WHEREAS, during the 2003 Session of the State Legislature, the Legislature adopted House Bill 113A, which amended various provisions of the Florida Statutes in order to comply with the requirements of Revision 7; and

WHEREAS, effective July 1, 2004, House Bill 113A repealed certain statutory filing fee provisions; and

WHEREAS, on February 8, 2005, the Board of County Commissioners adopted Ordinance No. 05-03, which substantially amended Chapter 7, Article II, of the Code of Laws of Leon County entitled "Court Filing Fees; Service Charges; Court Costs," to comport with House Bill 113A and other statutory revisions; and

WHEREAS, the Board of County Commissioners desires to enact an additional ordinance to amend Section 7-26 of Chapter 7, Article II, Code of Laws of Leon County, Florida, relating to court costs for criminal violations and bond forfeitures;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

**Section 1.** Section 7-26 of Chapter 7, Article II of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

**Sec. 7-26. Court costs for criminal violations, ~~bond forfeitures~~.**

(a) There is hereby assessed by the county, in compliance with F.S. § 938.15, an additional \$2.00 as court costs against every person convicted for violation of a state penal or criminal statute or convicted of a municipal or county ordinance, where said offense occurred within the county. ~~In addition, \$2.00 shall be deducted from every bond estreature or forfeited bail bond related to such penal statutes or ordinances. However, no such assessment shall be made against any person convicted for violation of any state statute, municipal or county ordinance relating to the parking of vehicles.~~

(b) All such assessments shall be collected by the appropriate court and shall be remitted to the county and earmarked for law enforcement education and training for members of the sheriff's department. The use and expenditure of such funds shall be in accordance with education and training programs for law enforcement personnel as determined by the sheriff and in accordance with F. S. § 938.15.

**Section 2. Conflicts.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any part of this ordinance which is inconsistent, either in whole or in part, with the said Comprehensive Plan.

**Section 3. Severability.** If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4. Effective Date.** This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon County, Florida, this 22nd day of March, 2005.

Attest:  
Bob Inzer, Clerk of Circuit Court

LEON COUNTY, FLORIDA

By: \_\_\_\_\_  
Clerk

By: \_\_\_\_\_  
Cliff Thael, Chairman  
Board of County Commissioners

Approved as to form:  
County Attorney's Office  
Leon County, Florida

By: \_\_\_\_\_  
Herbert W. A. Thiele, Esq.  
County Attorney